

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Cr1.MC.No. 6777 of 2015

IN CC 59/2009 OF THE JUDICIAL FIRST CLASS MAGISTRAE COURT
II, (FOREST OFFENCES), MANJERI
CRIME NO.453/2008 OF KONDOTTY POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED AND DEFACTO COMPLAINANT:

1. A.T.RAZAK @ KUNJAPPU, AGED 44 YEARS,
S/O. KUNHAHAMMED, ANEESHA MANZIL,
PALLIKKAL BAZAR POST,
ERANAD TALUK, MALAPPURAM DISTRICT
2. SALEENA CHITTANGADAN, AGED 38 YEARS,
D/O. MOITHEEN, C.T.C HOUSE, MORAYUR POST,
ERANAD TALUK-673 647, MALAPPURAM DISTRICT

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN

RESPONDENT/STATE:

THE STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KONDOTTY POLICE STATION, MALAPPURAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031

BY PUBLIC PROSECUTOR SMT.M.T.SHEEBA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 19-10-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: COPY OF THE FINAL REPORT IN CRIME NO.433/2008 OF
KONDOTTY POLICE STATION

ANNEXURE A2: AFFIDAVIT EXECUTED BY THE 2ND PETITIONER/DEFACTO
COMPLAINANT DATED 14.10.2015.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6777 of 2015

Dated this the 19th day of October, 2015

O R D E R

The defacto complainant and also the accused in C.C. No.59/2009 of the Judicial First Class Magistrate Court II (Forest Offences), Manjeri seek orders quashing the said prosecution under Sections 406 and 498A of the Indian Penal Code, on the ground of amicable settlement out of court. The first petitioner is the accused and the second petitioner is the defacto complainant. The affidavit filed by the second petitioner shows that the whole matrimonial dispute between them stands settled and resolved forever, and that she has joined her husband in matrimony. It is submitted that the parties are now leading a very happy matrimony, and that the whole dispute stands settled.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute

amicably out of court, and continuance of the prosecution will not serve any purpose. Here, the parties have come to terms amicably on the intervention of persons acceptable to both sides. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.59/2009 of the Judicial First Class Magistrate Court II (Forest Offence), Manjeri will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

P.A to Judge

ab